

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SULAIMAN OLADOKUN,

Plaintiff,

-against-

JOHN R. RYAN, individually and in his
official capacity as President of State
University of New York Maritime College,
and RICHARD S. SMITH, in his official
capacity as Commandant of Cadets of State
University of New York Maritime College,

Defendants.
-----X

06 Civ. 2330 (KMW)(KNF)

**DECLARATION OF
CLEMENT J. COLUCCI**

CLEMENT J. COLUCCI declares under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York and attorney for defendants. I submit this declaration in support of defendants' motion for summary judgment.

2. The purpose of this declaration is to identify and authenticate the papers submitted in support of the motion.¹

3. Annexed hereto are the declarations of:

- (A) John R. Ryan
- (B) Richard S. Smith
- (C) Kimberly Cline

¹ Except as otherwise indicated, the exhibits are part of the removal proceeding Matter of Sulaiman Oladokun, A 78-711-270, brought pursuant to § 240 of the Immigration and Naturalization Act. The other documents described below are authenticated as indicated by the Declarations of Kimberly Cline or Richard S. Smith.

4. Exhibit 1, annexed hereto, is a certified copy of a Certificate of Disposition in the criminal action People of the State of New York v. Oladokun, Docket No. 2003BX009052, Criminal Court of the City of New York, Bronx County, indicating that on February 24, 2003, plaintiff pleaded guilty to third-degree possession of a forged instrument, resulting from his arrest on February 8, 2003. Plaintiff was sentenced to a one-year conditional discharge. Also included in Exhibit 1 is a true and correct copy of the New York City Police Department, report from Booking/Arraignment/Disposition Inquiry System, February 14, 2003.

4. Exhibit 2 is a true and correct copy of the Bronx Borough Intelligence Team, Counter-Terrorism Investigation, Complaint Follow-Up, February 8, 2003.

5. Exhibit 3 is a true and correct copy of the Bronx Borough Intelligence Team, Counter-Terrorism Investigation, Complaint Follow-Up, February 12, 2003.

6. Exhibit 4 is a true and correct copy of the Bronx Borough Intelligence Team, Counter-Terrorism Investigation, Complaint Follow-Up, February 13, 2003.

7. Exhibit 5 is a true and correct copy of the Bronx Borough Intelligence Team, Counter-Terrorism Investigation, Complaint Follow-Up, February 26, 2003.

8. Exhibit 6 is a true and correct copy of the Report of United States Diplomatic Security Service, Criminal Investigations Division, March 3, 2003.

9. Exhibit 7 is a true and correct copy of the INS Report of Investigation, March 7, 2003.

10. Exhibit 8 is a true and correct copy of the Notice to Appear (Form I-862), March 7, 2003.

11. Exhibit 9 is a true and correct copy of the Notice of Custody Determination (Form I-286), March 7, 2003.

12. Exhibit 10 is a true and correct copy of the Record of Deportable/Admissible Alien (Form I-213), March 7, 2003.

13. Exhibit 11 is a true and correct copy of § 3404 of SUNY Maritime's Organization, Operations and Regulations Manual for the Regiment of Cadets (the "Manual"), authenticated at paragraph 1 of the Declaration of Richard S. Smith.

14. Exhibit 12 is a true and correct copy of the March 17, 2003 Notice of Charges sent to plaintiff in connection with a Suitability Board Hearing, and notifications of change of hearing date, authenticated at paragraph 7 of the Declaration of Richard S. Smith.

15. Exhibit 13 is a true and correct copy of the March 26, 2003 Memorandum from Suitability Board Hearing to Commandant of Cadets, authenticated at paragraph 11 of the Declaration of Richard S. Smith.

16. Exhibit 14 is a true and correct copy of the March 26, 2003 Memorandum from Commandant of Cadets to plaintiff concurring in the recommendation of the Suitability Board, authenticated at paragraph 11 of the Declaration of Richard S. Smith.

17. Exhibit 15 is a true and correct copy of the March 25, 2003 fax from Anna Gbur, Bureau of Immigration and Customs Enforcement, to Kimberly Cline, authenticated at paragraph 12 of the Declaration of Kimberly Cline.

18. Exhibit 16 is a true and correct copy of the March 26, 2003 fax from Kimberly Cline to Anna Gbur enclosing documents relating to plaintiff's disenrollment, authenticated at paragraph 13 of the Declaration of Kimberly Cline.

19. Exhibit 17 is a true and correct copy of the transcript of the March 26, 2003 hearing in the removal proceedings.

20. Exhibit 18 is a true and correct copy of the June 23, 2003 oral decision of the immigration judge in the removal proceedings.

21. Exhibit 19 is a true and correct copy of the December 12, 2003 decision of the Board of Immigration Appeals affirming the June 23, 2003 decision.

22. Exhibit 20 is a true and correct copy of the July 28, 2005 decision of the Board of Immigration Appeals denying a motion by plaintiff on the grounds that plaintiff had already been removed from the United States prior to the filing of the motion.

Dated: New York, New York
January 8, 2010

/S/
CLEMENT J. COLUCCI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SULAIMAN OLADOKUN,

Plaintiff,

-against-

JOHN R. RYAN, individually and in his
official capacity as President of State
University of New York Maritime College,
and RICHARD S. SMITH, in his official
capacity as Commandant of Cadets of State
University of New York Maritime College,

Defendants.
-----X

06 Civ. 2330 (KMW) (KNF)

DECLARATION OF SERVICE

JUDITH M. YOUNG, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

I am presently employed as a Legal Assistant 1 in the Office of ANDREW M. CUOMO, Attorney General of the State of New York, attorney for defendants herein. I am over eighteen years of age and not a party to this action.

On January 8, 2010, I served a true and correct copy of the **DECLARATION OF CLEMENT J. COLUCCI IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** upon the below-listed attorney for plaintiff by depositing said copy, properly enclosed in a pre-paid envelope, into a POST OFFICE BOX regularly maintained by the United States Postal Service at 120 Broadway, New York, New York 10271, directed to said attorney for plaintiff at the address designated by him within the State of New York for that purpose as follows:

JAMES MALONEY, ESQ.
Attorney for Plaintiff
33 Bayview Avenue
Port Washington, NY 11050

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York
January 8, 2010


JUDITH M. YOUNG